

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LUIS AGUILAR,)	
)	
Plaintiff,)	Case No. 20-cv-06668
)	
v.)	Judge Sara L. Ellis
)	
ROLAND CORPORATION U.S.,)	Magistrate Judge Sheila M. Finnegan
)	
Defendant.)	

**DEFENDANT'S MOTION TO DISMISS
COUNT III OF PLAINTIFF'S COMPLAINT**

Defendant, ROLAND CORPORATION U.S., through its attorneys, Kristine S. Phillips and André A. Sutton of O'HAGAN MEYER LLC, for its Motion to Dismiss Count III of Plaintiff's Complaint, pursuant to Fed. R. Civ. Pro. 12(b)(6), states as follows:

1. On November 9, 2020, Plaintiff Luis Aguilar ("Plaintiff") filed a Complaint against Defendant Roland Corporation U.S. ("Defendant"). (Doc. #1). Therein, Plaintiff asserted three counts including: Count I for race discrimination under 42 U.S.C. §1981 ("Section 1981"); Count II for retaliation under Section 1981; and Count III for intentional infliction of emotional distress ("IIED") under state law.
2. Defendant is filing its answers and affirmative defenses to Counts I and II of Plaintiff's Complaint contemporaneously with the filing of this Motion to Dismiss.
3. Count III fails to set forth a cause of action for IIED because Plaintiff has not asserted any conduct severe or outrageous enough to sustain a claim for IIED. As such, Plaintiff has not, as a matter of law, sufficiently stated a claim of IIED and accordingly, Count III should be dismissed pursuant to Rule 12(b)(6).

WHEREFORE, for these reasons and for those set forth in Defendant's Memorandum of Law in support of its Motion to Dismiss, ROLAND CORPORATION U.S. moves this Court to dismiss Count III of Plaintiff LUIS AGUILAR's Complaint, pursuant to Fed. R. Civ. Pro. 12(b)(6), and for further relief this Court deems just.

Date: January 11, 2021

Respectfully submitted:

ROLAND CORPORATION U.S.

By:s/ Kristine S. Phillips

One of its attorneys
O'HAGAN MEYER LLC

Kristine S. Phillips
André A. Sutton
O'HAGAN MEYER LLC
One E. Wacker Dr., Suite 3400
Chicago, Illinois 60601
Telephone: 312.422.6100
Facsimile: 312.422.6110
kphillips@ohaganmeyer.com
asutton@ohaganmeyer.com

CERTIFICATE OF SERVICE

This is to certify that on this 11th day of January 2021, I electronically filed **DEFENDANT, ROLAND CORPORATION U.S.’ MOTION TO DISMISS COUNT III OF PLAINTIFF’S COMPLAINT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

ATTORNEY FOR PLAINTIFF:

Edward R. Moor
Moor Law Office, P.C.
One N. LaSalle Street, Suite 600
Chicago, Illinois 60602
erm@moorlaw.net

/s/Kristine S. Phillips

Kristine S. Phillips
André A. Sutton
O’HAGAN MEYER LLC
One E. Wacker Dr., Suite 3400
Chicago, Illinois 60601
Telephone: 312.422.6100
Facsimile: 312.422.6110
kphillips@ohaganmeyer.com
asutton@ohaganmeyer.com

ONE OF THE ATTORNEYS FOR DEFENDANT,
ROLAND CORPORATION U.S.